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THE PERILS OF RISK ASSESSMENT

James J. Chriss

Peter Lawler's article speaks to many important issues and intractable dilemmas, but the one I would like to focus on is an idea that both communism and libertarianism share, namely, that with the withering away of the state, people will be free to live "designer" lives as unconstrained individuals. This is fundamentally the issue of social control, that is, all the ways in which members of society attempt to instill norm-conforming behavior in others. One way of addressing this issue is to consider how social solidarity has changed over the long march of human history. To set the stage for this discussion, let us briefly summarize the distinction Emile Durkheim makes between mechanical and organic solidarity. After this, we will then be in a position to examine what is going on in contemporary "postmodern" society with regard to social control and the relation between the individual and society.

Durkheim and Forms of Social Solidarity

In his *Division of Labor in Society*, Durkheim argued that earlier forms of human society (e.g., hunter-gatherer, horticultural, pastoral) are characterized by a mechanical solidarity where everyone is held in check through likeness and day-to-day familiarity with everyone else in the community. Hence, in primitive, preliterate, and pre-industrial societies, the basis of social solidarity is cultural homogeneity, to the extent that all members share a common set of understandings, beliefs, symbols, and life experiences. Since folk societies tended to be small, attachments between members were deep and abiding, grounded in large part along kinship lines and secured via a shared understanding of the sacred. In this mechanical solidarity group cohesion is strong; indeed, the group takes precedence over the individual in virtually all social settings. Because of this, individuals are held in check because violations of the normative order are interpreted as an assault on the collective conscience of the community, and hence punishments against violators tend to be harsh, public, and focused on the body.

With the advent of industrialization and the democratic revolutions occurring across Western society beginning in the late 1700s, central cities experienced increases in population density as productivity increased and as more and more people immigrated to these cities in hopes of finding work in the newly burgeoning industrial economy. As populations grow denser, the social solidarity previously ensured through likeness, familiarity, and face-to-face contact was imperiled as the urban metropolis now became characterized by anonymity as well as temporal, spatial, and social distancing between its members.

Durkheim worried that in this new associational society, the quality and quantity of attachments would become increasingly superficial and impoverished as persons were set adrift in a sea of faceless and anonymous others. In his book *Suicide*, published in 1897, Durkheim's pessimism about modern society was fueled by data, already well-documented by the late 1800s, which indicated that social pathologies—suicide, divorce, poverty, homelessness, mental illness, crime, violence, and drug use and abuse—were occurring at higher rates, per capita, in these urban, metropolitan communities. The assumption was that the city was a dysfunctional place that threatened the socialization process, the unity of the family, the routine commitment to civic participation, and the development of secure and stable attachments to others.

In this new situation of heightened individualism and aggrandizement of the self, what would be the basis of social solidarity? Durkheim argued that a more complex division of labor was followed by an increasingly prominent role of law, which adjudicated conflict between an increasingly disparate citizenry. Hence, the nature of social solidarity changed from mechanical to organic. Instead of likeness and cultural homogeneity, modern society was characterized by anonymity, cultural heterogeneity, and a vastly expanded division of labor where tasks became increasingly specialized. Because of this increased task specialization, persons could no longer be self-reliant. They had to turn to others for their day-to-day necessities, whether it was figuring out taxes, getting a medical checkup, buying a house, or even attending to one's mental wellness. In this new organic solidarity, social integration was assured as a result of the heightened interdependence between citizens of the community.

Whereas in earlier times the group was everything while the individual was nothing, in modernity the individual attains prominence over the group. Indeed, because of the increasingly divergent characteristics of inhabitants of the modern metropolis, the last remaining thing we all share is our humanity. This abstract ideal becomes further embodied in the activities of the democratic welfare state, which remains further and further committed, through the creation of welfare legislation and other provisions, to protecting its citizens against accident, injury, illness, and death.

The Risk Society and the New Penology

In terms of the periodization of these eras, the premodern period extended from antiquity through roughly the late 1700s. The modern period is said to extend from the late 1700s through the 1960s. Many now argue that we are presently living within a third period of humanity, the so-called postmodern era, which began in the 1960s. This era is characterized as the antithesis of the modern era. At the height of modernity, knowledge about the social world was said to be secured as a result of the rise of the human and behavioral sciences. But a rejection of such "grand narratives" defines the postmodern critique of modernity, which also includes an increasing skepticism about the expertise being claimed by sociologists, psychologists, psychoanalysts, and related practitioners on many matters.

Along with this, there is the notion of the "polymorphous perversity of meaning," where no definitive readings of the social realm can be produced since the world is said to be like a text. Readers are thus free to interpret the situation from their own unique vantage points, trainings, interests, and life experiences. Additionally, under modernity there was the notion that the mind's depths could be probed, and as we systematically discover the "truths" about self and society, we attain the ability to reform and rehabilitate those who are deviant or criminal. However, under postmodernity there is a loss of faith in rehabilitation and the whole notion of progress more generally. New techniques of control (the so-called "new penology," to be discussed further below) have been developed.

The application of postmodern interpretations to the criminal justice arena, especially in terms of the practice of reducing risk via the development of risk assessment tools, is illustrated in a recent incident at Case Western Reserve University. On Friday, May 9th, 2003, Biswanath Halder walked onto the Case Western campus and started shooting people. The shootings and subsequent hostage standoff were a shock to the Cleveland community as well as to the rest of the nation. Every time something like this happens, many wonder what could be done to keep this sort of tragedy from happening again. And it is not only the lay public that wonders; scholars from a variety of disciplines across the humanities, social sciences, and medicine conduct research and suggest ways of predicting such acts with an eye toward reducing and, eventually, eliminating them altogether.

It was in this spirit that that the Monday, May 12th edition of the Cleveland newspaper, *The Plain Dealer*, ran an article suggesting that telltale signs of Halder's attack were readily available. Psychologist Kevin Gilmartin has developed a theory which he calls the Lethal Triad. This theory suggests that when three factors come together—isolation, projection of blame, and pathological anger—persons are apt to engage in the kind of extreme behavior that characterized Halder's actions. Gilmartin goes on to say that "All of those lawsuits [filed by Halder], the letters, the Web postings, the veiled threats—these were signals," and that "It's a myth that [nobody] saw [the attack] coming."

The problem with Gilmartin suggesting this, that is, that all the signs existed to predict an attack by Halder, is that it amounts to little more than backwards-looking rationalizations and reconstructions. Gilmartin is taking already completed events, those extremely rare cases when someone opens fire on persons for the sake of exacting revenge for some perceived injustice, and then working backwards to look for the alleged telltale signs that should have tipped someone off about the attacker's intentions.

An analogous example suggests why this sort of approach to explaining human behavior is problematic. Some suggest that marijuana acts as a "gateway" drug because, considering all those persons who end up taking seriously addictive substances such as heroin and other narcotics, many if not most started out using or experimenting with marijuana. The use of marijuana is seen as a gateway to using harder, more debilitating drugs. It seems to make sense on its face. But to get a clearer picture of what is actually at stake, one must look at the entire population of marijuana users, and then look at the history of later drug use in all of these cases. In fact, very few persons who start out using marijuana go on to abuse more dangerous and addictive substances like heroin. (Indeed, if this were really the case, if marijuana were really a gateway, there would be a heroin epidemic, because many persons in society, perhaps even a majority, have tried marijuana.) So the gateway theory, seen in this light, is more or less nonsense. The same is true of Gilmartin's Lethal Triad theory as it pertains to the Halder attack. For every bizarre, tragic act of a Biswanath Halder, there are countless numbers of persons who DO NOT carry out such

acts, even while meeting the minimum criteria of the Legal Triad posed by Gilmartin.

It is irresponsible to look at already completed actions, and then work backwards in attempt to ascertain the antecedent factors which seem to be implicated in the production of those actions, because one is apt to fall into the gateway fallacy. This is the same fallacy, by the way, that plagues studies which suggest that the viewing of popular film or television produces violence or other bizarre behaviors such as copycatting. One must consider the very large population of persons who are exposed to any stimulus—a violent movie, for example—but who do not go on to perpetrate mayhem. Rather than looking at the few persons who did do something out of the ordinary, it is much more instructive to note that the great majority did not.

Under the new penology, rather than punishing individual acts, entire populations are categorized as "at risk" for crime or deviance. In earlier times, hopes were held out for reforming or rehabilitating wayward souls. In the new penology actuarial methods are used to establish risk categories and create profiles of large numbers of offenders who are said to meet the minimal definition of some problematic behavior. (This is what is happening in public schools across the nation since the tragedy at Columbine.) Even worse, this new impulse towards risk profiling seeks to act "proactively," locating persons (or groups) who are merely "at risk" for perpetrating some unwanted behavior, even if they have not broken the law. After all, being angry, being isolated, and projecting blame are not illegal. This contributes to the serious problem of net-widening, as more and more persons are pulled into the orbit of the formal system (whether the criminal justice system, the juvenile justice system, the public health or behavioral health systems for purposes of observing or surveilling populations, or even business or organizational oversight, for example, "employee assistance programs").

The Psychotherapeutic Ethos and the School Context

What Biswanath Halder did was despicable and evil. But in our zeal to root out and eliminate this sort of evil via the production of at risk profiles and heightening the surveillance of the general population—assuming all are evil or potentially evil—we may be unwittingly compounding that evil. It is an odd thing indeed to notice that behind the goal of reducing risk through the generalized surveillance of everyone, thereby presumably producing the greatest good for the greatest number of people, is the assumption that no one can be trusted. This has especially important ramifications in the arena of delinquency and school policy.

Although juvenile crime and violence have been on the decline since the early 1990s, the recent and well-publicized string of school shootings has nevertheless created the impression among school personnel, parents, students, and mass media of a growing tide of adolescent violence. Just six months after the shooting at Columbine High School that left 15 students dead, including the school shooters, Eric Harris and Dylan Klebold, President Clinton organized the Voices Against Violence Conference in Washington, DC. The conference, which ran for two days beginning on October 19, 1999, gathered teenagers from across the country that were invited to speak openly and freely about the problem of teen violence and to hammer out policy recommendations.

The conference had a distinctly psychotherapeutic feel to it, as elements of the therapeutic alliance and the talking cure were both plainly evident. It was akin to a group counseling session in which (presumed) traumatized and alienated school children and adolescents ("patients" or "clients") were given the floor and encouraged to talk through the issues most troubling or important to them, while caring, tolerant and attentive adults ("therapists"), led symbolically by President Clinton, were there to listen and to provide appropriate feedback.

Similarly, and on a much grander scale, the modern public school system is shot through with the principles and operating assumptions of what James Nolan calls the "psychotherapeutic ethos." The psychotherapeutic ethos is a cultural orientation in which, in their interpersonal dealings with others, persons are apt to interpret and act upon situations in terms of the assumptions of mental health, emotivism, developmentalism, and a "confessional" mode of problem-solving which emphasizes the talking out of "feelings" or other presumably private, internal matters. Since many school teachers, administrators and counselors are likely to have received the bulk of their training in educational psychology, they are apt to view schools as akin to mental health institutions—with teachers and parents acting as "co-therapists" along with school counselors—and students as fragile therapy clients. From this perspective, a number of observers favor expanding even further the level and types of mental health services provided in school, especially in light of the perception that school violence is increasing or more lethal than ever before.

Another clear indicator of the psychotherapeutic ethos within schools is the prevalence of self-esteem curriculum in the early school years (typically K-8). Consistent with the therapeutic training and sensibilities of many in the education establishment, there exists a widespread belief among education practitioners that health

education in the schools should include efforts to boost students' self-esteem. There has been a longstanding and largely unchallenged assumption in the research literature that a positive relationship exists between high self-esteem and "quality" student outcomes, in the form of low levels of delinquency and aggressiveness (such as bullying), high academic achievement, high cognitive and social skills development, and low levels of depression.

Over the past few decades, however, researchers have begun questioning this assumption. For example, the claim that self-esteem can be "learned" (rather than "earned") continues to be critically analyzed, and has brought into question the entire self-esteem movement. The newer critical view of self-esteem suggests that it is much more plausible that high achievement leads to high self-esteem, not the other way around. So simply teaching students to develop high self-esteem in no way assures that quality student outcomes will be achieved. Understood in this way, it is clear that supporters of self-esteem curriculum have not been sensitive to the causal order of the relationship. Even further, it is suggested in the critical literature that teaching self-esteem in this way may even be deleterious in that it may artificially inflate students' sense of self-worth.

As a result of this rethinking of the merits of self-esteem curriculum within the schools, proponents of self-esteem have tended more and more to drop references to "self-esteem" training, and have begun using instead other catch phrases or terminology. Skillstreaming is one such widely adopted approach for teaching prosocial skills to adults, adolescents, and even elementary and pre-school children. Although it travels by a different name than self-esteem, there is no mistaking this program's heavily psychotherapeutic orientation. Ellen McGinnis and Arnold P. Goldstein, authors of the book *Skillstreaming the Elementary School Child*, explain that Skillstreaming is a psychoeducational intervention that was initially used by therapists in the mental health field. The four direct instructional principles of learning employed—modeling, role-playing, feedback, and transfer—are certainly indicative of a typical psychotherapeutic orientation, including the assumption that clients or patients with whom the therapist (teacher) works are weak in, or simply lack, certain basic behavioral skills. The goal, then, becomes teaching "desirable" skills. The authors assume that most students do not know how to act productively in many situations, and hence teachers must act proactively, via the implementation of the therapeutic techniques described above, rather than merely reacting to students' misbehavior.

What is remarkable about this deficits model, and why self-esteem training is so central to it (whether explicitly avowed or surreptitiously glossed over), is the assumption that therapeutic professionals make about the fragility of persons'—and especially of children's—self-esteem and the uncertainty about life that confronts people in virtually everything they do. Further, by assuming that children are helpless and incompetent with regard to routine social interaction, teachers' frustrations and anxieties can be lessened or relieved because they can feel assured that is it neither they, nor their training or teaching styles, nor even the psychotherapeutic assumptions they hold, that are at fault whenever children misbehave, "act out," or fall behind in the classroom. Instead, the fault lies within the deeply pathological recesses of the inner-self and psyche of children, who for this reason cannot themselves be held accountable for their actions either.

Since teachers and other school personnel typically assume that personal feelings and inner lives in general are such an integral part of the understanding and explanation of human behavior, it is perhaps not surprising that they would be overtly concerned about their own feelings and frustrations when it comes to their working with students. This confessional mode can also be used to legitimate and support the sort of draconian surveillance regimes that are becoming more popular in the wake of Columbine. We may understand this connection first by noting that the confessional mode and the psychotherapeutic ethos go hand in hand with the public health approach whereby social problems are conceptualized as "diseases." And this brings to light one of the potentially serious problems of conceptualizing school or youth violence as a disease.

More than ever before adolescents in modern Western society are being tested, monitored, examined, watched, prodded, and probed by a variety of authorities and across multiple institutional contexts—including schools, churches, day care, health clinics, and the juvenile justice system—because the view is that kids are out of control and cannot be trusted to act in socially responsible ways. The contemporary discourse about children "at risk" and schools "in crisis," serves to continue to tighten the net of social control on children's lives.

The public health model supports new, massive surveillance regimes, presumably for the "good" of those members of at-risk populations. Children are an especially easy and vulnerable target for continuing and expanded monitoring and oversight of their behaviors, and we as a society have reached a crossroads of sorts in trying to balance on the one hand the rights of children to be left alone—in essence, to simply let kids be

kids—against the need on the other hand to identify and attempt to help children who are truly in need and who may pose a danger to themselves or others.

There have been a number of policy initiatives formulated, especially since Columbine, that seek to strike a balance between the perhaps overly optimistic and naïve "just leave kids alone" approach and the overly pessimistic—even bordering on draconian—measures involving the demonizing of virtually every facet of childhood and schools. In the risk society, with everyone expecting the worst from our school children, a climate of negativism and despair is engendered. The measures that are put into place to ensure that another Columbine will not happen—metal detectors in schools; zero tolerance policies concerning drugs, guns, and other misbehaviors; police or armed private security guards in the hallways; see-through book bags and backpacks, increasingly strict dress coats (such as no trench coats or gang colors); the enormous increase in the use of psychotropic drugs to control students; and the continuing expansion of categories of mental illness as well as a growing list of problematic (or "challenging") behaviors which might warrant a "functional behavioral assessment" of a student—ratchet up the surveillance regime even further, the unintended consequence of which is to isolate, alienate, and frustrate growing numbers of school children.

This push to profile the few "bad apples" in order to make schools safer for all is, as I mentioned above, as much as anything a psychological palliative for school administrators, teachers, and personnel. Reflecting on the benefits of school profiling, Mary Leiker, superintendent of the 8,600-student Kentwood, Michigan, Public Schools, states that "Profiling doesn't guarantee absolute safety. There is no 100 percent accurate predictor, but it can be an effective tool. And the fact is, *I have to live with myself*. If I, as a superintendent and educator, left one stone unturned in trying to keep children safe, if I lost one child because of it, *I don't know how I would cope*" (quoted in Scott LaFee, "Profiling Bad Apples," *School Adminstrator*, v. 57, n. 2, pages 6-11, 2000; my emphasis). Here the use of expanding surveillance regimes is justified on the basis that if something bad were to happen to a child under the care of this particular administrator, she could not live with herself and would have difficulty "coping." This is clear evidence of the way much of school policy is driven by an overweening emphasis on personal feelings and emotions.

Social Amplification of Risk

In the arenas of criminal justice and school policy, various examples illustrate how the perception of risk is structured and the kinds of societal responses that have emerged. Modern (and postmodern) society seem to be obsessed with the idea of reducing or eliminating risk, seeing how risk and danger are lurking around every corner (whether "mad cow" disease, the suicide attacks of 9/11, the language of youth-at-risk, "going postal," computer viruses and internet scams, major corporate financial scandals, growing distrust of the police and other major social institutions, etc). Perhaps it is true that something like a "social amplification of risk" is going on, as documented in a recent book by the same name edited by Nick Pidgeon, Roger E. Kasperson, and Paul Slovic.

In comparison to the modern industrial economy, where manufacturing was the major basis of productivity, in the postmodern economy information and service delivery rise to prominence. Within this rich communication environment word spreads quickly about real or perceived threats, whether transmitted informally across social networks, or electronically via television, the Internet, or other media technologies. Because no one trusts anyone else, and with disciplinary mechanisms fanning across society like never before (in the form of community corrections, employee assistance programs, random drug testing, i.e., the new penology), more people are acting as if they were the government, with new structures of accountability readily visible in the arenas of work, family, school, and community. With the waning of informal control, more "experts" are available as well to step in to interpret risk in a growing number of social settings. Hence, the "risk society" is born, with risk assessment becoming an important part of its operational logic.

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